



Australian Government
Australian Education International

Using Education Agents

A guide for providers of education and training to overseas students

This guide has been produced by the Department of Education, Employment and Workplace Relations to support Australian education and training providers in their use of education agents.

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Using Education Agents

1. Introduction

Education agents are often the first point of contact between Australian education and training providers and intending students and their parents. Therefore, it is important that providers pay particular attention to the education agents they select to represent them and are able to manage their relationship with their agents in ways that help enhance their own international reputation as well as that of Australian education generally.

2. Services provided by education agents

As a provider, you pay agents to market and recruit students for you. The agent's role generally includes:

- identifying prospective students considering studying in Australia
- giving students information about the provider and their courses
- helping students complete enrolment forms
- providing a contact point for the student while they are studying in Australia
- preparing and submitting a prospective student's visa application, where qualified to do so
- sometimes an education agent may also collect the course fee on your behalf.

These are critical aspects of your business. An honest, professional education agent can enhance the reputation of your institution. Alternatively, an inappropriate choice of agent can have an adverse impact.

3. The National Code

The *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code) requires that education and training providers only use agents who provide international students with accurate information about study in Australia and who act honestly in their dealings with students (Standard 4).

The National Code is a legislative instrument under the *Education Services for Overseas Students Act 2000* (the ESOS Act). Providers are required **by law** to comply with the National Code.

This guide is designed to help you select and use honest agents. It is important to realise, however, that this guide does not replace Standard 4 of the National Code (copy at Attachment A) or the explanatory guide which has been developed by the Australian Government to help you understand your obligations under the National Code, which can be found at <http://aei.gov.au/AEI/ESOS/NationalCodeExplanatoryGuide/default.htm>.

4. Your obligations under the National Code

In summary, the National Code requires that you:

- use education agents with an appropriate knowledge and understanding of the Australian international education industry
- enter into a written agreement with agents you engage to formally represent you
- ensure that your education agents have access to up-to-date and accurate marketing information
- do not accept students from, or enter into an agreement with, any agent you suspect to be engaging in dishonest practices
- terminate an agreement if you become aware that your agent is acting dishonestly or unethically
- take immediate corrective or preventative action, if you become aware of any form of unprofessional activity by your agent.

This guide provides a framework to help you manage these requirements.

5. Providing migration advice

Some education agents may also operate as migration agents. By law, agents operating in Australia are only permitted to provide advice about migration to Australia if they are registered with the Migration Agents Registration Authority (MARA). This includes assisting in the preparation of applications and providing advice on pathways to permanent residency in Australia. It is an offence under the *Migration Act 1958* for agents practising in Australia to provide migration advice if they are not a Registered Migration Agent. For more information on the MARA, including a list of Registered Migration Agents, see the MARA website: www.themara.com.au

Standard 4.3 of the National Code states that you must not accept students from an education agent whom you know or reasonably suspect of providing immigration advice where not authorised under the *Migration Act 1958* to do so.

6. The Education Agents Training Course

PIER (Professional International Education Resources) offers an online Education Agents Training Course (EATC) which was developed in collaboration with AEI, the Department of Immigration and Citizenship (DIAC) and Australian international education peak bodies. The EATC aims to:

- provide education agents with information about the Australian education system and Australia as a study destination, education quality assurance issues and the Australian visa regulation system
- keep agents abreast of changes and developments in international education services
- encourage and support excellence in business service delivery, study and career pathways and professional development.

The Australian Government recommends that you consider successful completion of the EATC as a requirement for any education agents who want to represent your institution.

A list of the education agents who have completed the EATC is available at: <http://www.pieronline.org/qeac>

7. Establishing an effective framework

You should have in place an effective framework that documents your dealings with education agents. It should preferably be part of your organisation's procedures manual.

The framework should have, as a minimum, four elements:

- How to select appropriate education agents
- A standard agency agreement
- Training and induction arrangements
- Guidelines for monitoring education agents' activities.

7.1 Selecting a reputable education agent

To select the right education agent, you need an effective screening process.

Here are some approaches which may help:

- **Develop a questionnaire** to be completed by a prospective education agent. The questionnaire could include:
 - general information about the agent/ agency (contact details, ownership, years of experience in business as an education agent, affiliations with other businesses, other providers represented)
 - size of the agency (staff numbers, number of students recruited annually)
 - services offered and costs
 - references
 - relevant training completed, including whether any of the agency staff have completed the Education Agents Training Course (refer section 3.0)
 - demonstrated knowledge and understanding of the requirements of the ESOS Act and National Code

- Does the education agent have a representative in Australia? If so, **visit the agent's premises** to satisfy yourself that the agent has the appropriate infrastructure to offer the service. If the education agent is based offshore, visit the agent's offices or engage an organisation in the agent's country to visit the agent on your behalf
- **Appoint a single contact** in your organisation to be responsible for the receipt and screening of applications from prospective education agents and their ongoing management (to ensure consistency)
- **Contact** organisations such as **AEI** offshore to establish the bona fides of prospective agents
- **Prefer education agents who show a commitment to professional development** (e.g. members of education agents associations, agents who have completed the EATC course)
- **Check the PIER website** to see if the agent has completed the Education Agents Training Course <http://www.pieronline.org/qeac/>

7.2 The agency agreement

If you engage an agent to formally represent you, you are required by law to have a written agreement with the agent. The agreement **must** include:

- the responsibilities of both provider and agent
- the need for the agent to comply with the National Code
- processes for monitoring the activities of the agent
- termination conditions.

However, there are other important inclusions you should consider, such as:

- the agreement period (an end date to the agreement is important. Without an end date an agent may claim a link with your organisation after the agreement has expired, or you may have difficulty terminating the agreement. An end date will also help you maintain a list of 'active' agents)
- the countries to be covered by the agent, with special provisions, if any, by country
- commission rates
- confidentiality provisions
- requirement for maintaining knowledge of the ESOS Act requirements and the Australian education industry

- dealing with students with integrity
- performance benchmarks
- process for the review or variation of the agreement
- Subcontracting arrangements, if any (you should be very careful about any subcontracting arrangements, as you will be responsible for the activities of a subcontracted agent and this may be difficult to manage)
- Governing laws

7.3 Training and induction

To reduce the risk of false or misleading information being provided to students by your agents,

- **develop an information pack** for education agents which includes:
 - contacts
 - course information
 - entry requirements, including required level of English proficiency
 - application and enrolment procedures
 - payment procedures, including medical insurance (if applicable)
 - the written agreement, including the refund policy
 - course progress/attendance requirements
 - key dates and details
 - orientation
 - arrangements for reporting on compliance with visa requirements
 - student support services
 - other services for students, such as accommodation
 - costs of living in Australia

An information pack is particularly important if you use a large agency with high staff turnover:

- **translate the information package** into the agent's preferred language. This could be signed by the agent to acknowledge their understanding and acceptance of the information in the pack
- **keep regular contact** with your education agents so that they are promptly informed of any changes to your institution's arrangements
- **identify the skills and attributes of your education agents** and allocate roles based on those attributes



- **visit the education agent's office** and meet with the contractors/employees of the principal agent to determine their level of knowledge of your courses and campuses; and
- if appropriate, **implement a briefing strategy for the education agent's personnel** to increase their knowledge of your courses and campuses.

7.4 Monitor your education agent's activities

It is important that you monitor the activities of education agents with whom you have dealings.

This will enable you to ensure that the education agent's knowledge about your institution and courses is current; identify areas where the agents' knowledge requires updating/amendment; and detect any inappropriate practices.

Strategies which can assist include:

- **review and approve any promotional material** developed by the education agent
- **undertake joint marketing** with the education agent where possible
- **specify all fees payable** in the enrolment form and have the form signed by both the student and education agent
- **survey students** on commencement regarding the accuracy, usefulness and comprehensiveness of the information received from education agents

Example

A provider interviews students on commencement of the course to get feedback on their level of understanding of the course and on the quality of service they have received from the education agent.

This simple mechanism helps the provider monitor their agent's level of knowledge and to more effectively focus their upskilling/ refresher information for their agents.

- **track your agent's effectiveness**—do the students recruited stay to complete their course, drop out or request a transfer?
- **record issues** you may have with an education agent. This may help if you need to terminate an agreement before the end date.

8. Corrective and preventative action

If your monitoring reveals any serious concerns about the activities of your education agent(s), by law you must **not** accept or continue to accept overseas students recruited by that agent, and you must terminate any agreement you may have with them.

Matters of serious concern would include evidence of the agent:

- engaging in dishonest practices
- facilitating the enrolment of students who do not comply with their visa requirements
- engaging in false or misleading advertising and recruitment practices, or
- using PRISMS to create eCoEs for other than bona fide students.

Continuing to use an education agent you suspect or know to be engaging in dishonest practices can lead to sanctions being imposed on your registration.

This may include placing a condition on your registration not to use a particular agent, or suspension or cancellation of your registration to teach overseas students.

If you have concerns about the activities of a particular agent, you should refer the matter to the appropriate authorities. If you are unsure write to the ESOS Mailbox at esosmailbox@deewr.gov.au or call the ESOS Helpline on (02) 6240 5069.



9. Conclusion

Adopting the approach outlined in this Guide will help you to establish a framework which will provide you with a reasonable level of assurance that any education agents you engage act appropriately.

It will also enable you to identify and address any inappropriate conduct by education agents before there is an adverse impact on your students and your business.

10. Contact information

**Department of Education, Employment
and Workplace Relations (DEEWR)**

www.aei.gov.au/esos

ESOS Helpline: (02) 6240 5069

ESOS Mailbox: esosmailbox@deewr.gov.au

**Department of Immigration and
Citizenship (DIAC)**

www.immi.gov.au

Phone: 131 881

or contact your local State and Territory authority.

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Attachment A

Extract from the National Code of Practice for Registration authorities and Providers of Education and Training to Overseas Students 2007

Standard 4 – Education agents

Outcome of Standard 4

Registered providers take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity.

- 4.1 The registered provider must enter into a written agreement with each education agent it engages to formally represent it. The agreement must specify the responsibilities of the education agent and the registered provider and the need to comply with the requirements in the National Code. The agreement must also include:
 - a. processes for monitoring the activities of the education agent, including where corrective action may be required; and
 - b. termination conditions, including providing for termination in the circumstances outlined in Standard 4.4.
- 4.2 The registered provider must ensure that its education agents have access to up-to-date and accurate marketing information as set out in Standard 1 (Marketing information and practices).
- 4.3 The registered provider must not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:
 - a. engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Transfer between registered providers);
 - b. facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa;
 - c. using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a student; or
 - d. providing immigration advice where not authorised under the *Migration Act 1958* to do so.
- 4.4 Where the registered provider has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, the engagement by that education agent, or an employee or sub-contractor of that agent, of the conduct set out in Standard 4.3, the registered provider must terminate the agreement with the education agent. This paragraph does not apply where an individual employee or sub-contractor of the education agent was responsible for the conduct set out in Standard 4.3 and the education agent has terminated the relationship with that individual employee or sub-contractor.
- 4.5 The registered provider must take immediate corrective and preventative action upon the registered provider becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training.